APPENDIX E

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Plaintiffs' Statement in Opposition Brief, ECF No. 260.	Full Quoted Language from Judge Castel's Opinion and Order, MDL ECF No. 308.
"As Judge Castel **ruled**, Google 'misled display-ad auction participants about how Google organized auctions and distributed the proceeds of winning bids' by implementing Project Bernanke." ECF No. 260 at 4 (citing MDL ECF No. 308 at 50) (emphasis added).	"The Complaint **describes** a Google program called Project Bernanke that **it asserts** misled display-ad auction participants about how Google organized auctions and distributed the proceeds of winning bids." MDL ECF No. 308 at 50 (emphasis added).
"Judge Castel **agreed** that the complaint '**describe[d]** misleading statements and the underpayment of publishers[.]'" ECF No. 260 at 4 (citing MDL ECF No. 308 at 53) (emphasis added).	"The States **assert** that publishers were misled into believing that Google ran a second-price auction, when, from the perspective of the publishers, they were paid in amounts that would have reflected the results of a third-price auction. These allegations **may describe** misleading statements and the underpayment of publishers, but they do not explain how such conduct advanced or maintained Google's ad server monopoly." MDL ECF No. 308 at 53 (emphasis added).
"Here, the pleadings allege that Google's misconduct resulted in injury that was unlikely to be discovered based on Google's actions. Google argues that no such principles were pleaded, but Judge Castel **found** that '[t]he Complaint describes conduct on the part of Google that lacked transparency, occurred out of the public eye, and had effects that were not immediately obvious or well understood.'" ECF No. 260 at 12 (citing MDL ECF No. 308 at 84) (emphasis added).	Judge Castel <u>did not</u> make a finding of fact: "The Complaint **describes** conduct on the part of Google that lacked transparency, occurred out of the public eye, and had effects that were not immediately obvious or well understood." MDL ECF No. 308 at 84 (emphasis added).
"**Its behavior was** 'opaque, and accompanied by misrepresentations about its intent and effects." ECF No. 260 at 12 (citing MDL ECF No. 308 at 85) (emphasis added).	"Similarly, **in the Complaint's telling**, Google's rollout of EDA was opaque, and accompanied by misrepresentations about its intent and effects." MDL ECF No. 308 at 85 (emphasis added).

1